

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANTHONY DERON F.,

Plaintiff,

V.

SOCIAL SECURITY
ADMINISTRATION,

Defendant.

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No. 3:20-cv-506-L-BN

**ORDER WITHDRAWING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION AND GRANTING MOTION FOR EXTENSION**

This *pro se* action to review the final decision of the Commissioner of Social Security denying Title II disability benefits has been referred to the undersigned magistrate judge under 28 U.S.C. § 636(b) and a standing order of reference from United States District Judge Sam A. Lindsay.

Defendant filed an answer and a certified copy of the transcript of the administrative proceedings. *See* Dkt. Nos. 17 & 19. And, on July 10, 2020, the Court ordered Plaintiff to serve and file a brief setting forth all errors that Plaintiff contends entitle him to relief by September 8, 2020. *See* Dkt. No. 22.

Because, more than one month past that deadline, Plaintiff had failed to obey the Court's order or otherwise contact the Court, the undersigned, on October 14, 2020, entered findings of fact and conclusions of law recommending that the Court dismiss this action without prejudice under Federal Rule of Civil Procedure 41(b) and without prejudice to Plaintiff's filing a motion to reopen this case on or before 30 days

from the date of any order accepting or adopting the findings, conclusions, and recommendation [Dkt. No. 23] (the “FCR”).

On November 11, 2020, Plaintiff filed a motion for extension, requesting more time to prove his case. *See* Dkt. No. 24.

Given Plaintiff’s *pro se* status, and the likelihood that, should the Court dismiss this action without prejudice under Rule 41(b), that dismissal would effectively be with prejudice, as judicial review of Social Security disability claims is limited to actions brought within 60 days after notice of the final decision is mailed, *see* 42 U.S.C. § 405(g), the undersigned WITHDRAWS the FCR and GRANTS Plaintiff until **December 17, 2020** to serve and file a brief setting forth all errors that Plaintiff contends entitle him to relief.

Failure to file this opening brief by that date will again result in the undersigned recommending that Plaintiff’s case be dismissed under Rule 41(b).

SO ORDERED.

DATED: November 17, 2020



DAVID L. HORAN
UNITED STATES MAGISTRATE JUDGE